

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The currently outstanding Office Action was issued on February 23, 2007, in response to a Panel Decision from Pre-Appeal Brief Review to reopen prosecution in the present application.

In the most recent Office Action, the Examiner rejected claims 1-3 and 6-11 and 13-16¹ under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,006,351 (Peretz et al.), with the Examiner asserting that all of the features in these claims being present in Peretz et al. For the following reasons, Applicant respectfully traverses these rejections.

First, and contrary to any assertions made by the Examiner, Peretz et al. fails to teach or disclose any use of a browser whatsoever. Claim 1 clearly describes the use of “a browser for displaying content.” As is commonly understood in the art and in a manner completely consistent with the specification of the present application, a browser is a software application that permits a user to display and interact with content typically located on a web page at an Internet website. No such browser is taught or disclosed in Peretz et al. The term “browser” never appears in Peretz et al. and nothing resembling a browser, as this term is commonly understood, is ever described therein. Still further, Peretz et al. does not even mention the use of web pages therein, providing further evidence that browsers used to access and/or view web pages is not taught in Peretz et al.

In attempting to support his position, the Examiner relied upon column 11, lines 39-46 and column 12, lines 18-21 for the presence of a browser. However, these sections teach nothing of the sort. Regarding column 11, lines 39-46, the majority of this section deals with actions at the server and as such cannot involve a browser located at the mobile communication terminal. Additionally, the final sentence of this section, while mentioning

¹ The Examiner’s rejections under 35 U.S.C. §102(e) included claim 12 as a rejected claim. However, claim 12 was previously cancelled in its April 3, 2003 Amendment and Reply. Applicant is therefore operating under the assumption that the Examiner’s “rejection” of claim 12 was simply the result of a typographical error.

the terminal, does nothing more than state that identifiers associated with pager messages can be recorded thereat. Nothing in this section even remotely relates to a browser. Similarly, column 12, lines 18-21 only deals with a terminal's EEPROM being capable of storing data, without any reference to or hint of a browser.

Because Peretz et al. fails to teach, disclose or describe the use of a browser, Applicant submits that, for this reason alone, the Examiner's rejection of claims 1-3 and 6-16 under 35 U.S.C. §102(e) cannot stand. However, it is also noted that the presence of a browser propagates itself through much of claim 1, making the lack of a browser in Peretz et al. even more fatal to the Examiner's rejections. For example, without any browser to speak of, it likewise cannot be said that Peretz et al. teaches the use of any browser which can initiate an application by accessing a first item. Similarly, according to claim 1, items received from the server are stored in a memory *for access by the browser*. Obviously, without a browser in Peretz et al., such items cannot be stored so that they can be accessed by the non-existent browser. Similar references to the browser appear throughout the dependent claims as well (e.g., claims 2, 4 and 10), making yet further deficiencies in the Examiner's rejections under 35 U.S.C. §102(e).

Given this complete lack of a browser and associated structure and features in Peretz et al., Applicant submits that any 102 rejection of claims 1-3 and 6-11 and 13-16 based on Peretz et al. is wholly improper.

In addition to the above, Applicant also respectfully submits that a number of the Examiner's other rejections under 35 U.S.C. §102(e) are improper for other reasons as well. For example, dependent claim 9 explicitly refers to communication between the server and the terminal as operating in accordance with the Wireless Application Protocol (WAP). The Wireless Application Protocol is an international standard for applications that use wireless communications, so that the Internet can be accessed from mobile devices. According to the International Engineering Consortium,² the WAP Forum was founded in 1997 in order to

² See, e.g., <http://www.iec.org/online/tutorials/wap/topic01.html>. See also <http://www.w3.org/TR/NOTE-WAP>, where it is noted that the WAP specification initiate did not begin until June 1997.

define an industry-wide standard for applications over wireless networks. Referring to Peretz et al., this reference never discloses or describes the use of WAP, with neither the full term nor the acronym appearing anywhere within the reference. In fact, the specification of Peretz et al., only includes a single reference to wireless technology, noting at column 8, lines 4-5 that a wireless pager frequency link may be used. This clearly does not infer the use of WAP. More importantly, however, all of the explicit references to wireless technology in Peretz et al. appear to claim priority to U.S. Patent Application No. 08/588,165 (now U.S. Patent No. 6,023,779), which was originally filed on January 18, 1996—more than one year *before* the WAP Forum was founded. In other words, the Examiner is asserting that Peretz et al. described the use of this standard more than a year before efforts to create the standard had actually begun! Clearly, this conclusion cannot be supported.

Still further, claims 10 and 11 describe the use of arbitration means for determining whether an item received is or is not in reply to an access by the browser. No such arbitration mechanism is discussed anywhere in Peretz et al. In supporting his rejection of these claims, the Examiner directed Applicant to column 13, lines 23-25 of Peretz et al., alleging that this section teaches a message may be stored in RAM. First, the section does not mention RAM at all, instead stating nothing more than the fact that data may be transmitted over a telephone line from a handheld unit to a server using one-way or two-way communication. This feature has absolutely nothing to do with an arbitration mechanism. Second, even if this section did discuss storing messages in RAM, that still would not be enough to qualify as an arbitration mechanism according to claims 10 and 11, which requires a differentiation between PULL and PUSH messages and different uses of the messages based upon this arbitration.

With regard to claim 11, this claim describes the arbitration means as making the determination based upon an identifier provided by the server. As discussed above, no arbitration mechanism is mentioned at all in Peretz et al. Going further, however, Peretz et al. also fails to teach the use of identifiers for any related purpose. Instead, column 11, lines 39-53 (the section relied upon by the Examiner) only discusses using identifiers so as to determine whether certain pager messages have been received by the terminal. The identifier is not used in this section to determine where a message should be directed.

The above are simply examples of claim elements which clearly are not present in Peretz et al. and, for at least these reasons, Applicant submits that each of the Examiner's rejections under 35 U.S.C. §102(e) should be withdrawn.³

Lastly, the Examiner rejected claims 4 and 5 under 35 U.S.C. §103(a) based upon Peretz et al. in view of U.S. Patent No. 6,334,126 (Nagatomo et al.) However, claims 4 and 5 are each dependent upon independent claim 1 which, as Applicant has previously noted, is missing various elements which the Examiner asserted to be present. As such, Applicant submits that claims 4 and 5 are allowable for at least the reasons discussed above with regard to claim 1.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

³ In making the above arguments, Applicant is not agreeing that any claim elements not discussed herein are actually present in Peretz et al., and Applicant reserves the right to argue against assertions of the presence of these elements in Peretz et al. in the future.

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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